

111TH CONGRESS
1ST SESSION

H. R. 1834

IN THE SENATE OF THE UNITED STATES

NOVEMBER 20, 2009

Received; read twice and referred to the Committee on Small Business and
Entrepreneurship

AN ACT

To amend the Small Business Act to expand and improve
the assistance provided to Indian tribe members, Alaska
Natives, and Native Hawaiians, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Native American Busi-
3 ness Development Enhancement Act of 2009”.

4 **SEC. 2. OFFICE OF NATIVE AMERICAN AFFAIRS; TRIBAL**
5 **BUSINESS INFORMATION CENTERS PRO-**
6 **GRAM.**

7 (a) ASSOCIATE ADMINISTRATOR.—Section 4(b)(1) of
8 the Small Business Act (15 U.S.C. 633(b)(1)) is amend-
9 ed—

10 (1) by striking “five Associate Administrators”
11 and inserting “six Associate Administrators”; and

12 (2) by inserting after “vested in the Adminis-
13 tration.” the following: “One such Associate Admin-
14 istrator shall be the Associate Administrator for Na-
15 tive American Affairs, who shall administer the Of-
16 fice of Native American Affairs established under
17 section 44.”.

18 (b) ESTABLISHMENT.—The Small Business Act (15
19 U.S.C. 631 et seq.) is amended—

20 (1) by redesignating section 44 as section 45;
21 and

22 (2) by inserting after section 43 the following:

23 **“SEC. 44. OFFICE OF NATIVE AMERICAN AFFAIRS AND**
24 **TRIBAL BUSINESS INFORMATION CENTERS**
25 **PROGRAM.**

26 “(a) OFFICE OF NATIVE AMERICAN AFFAIRS.—

1 “(1) ESTABLISHMENT.—There is established in
2 the Administration an Office of Native American Af-
3 fairs (hereinafter referred to in this subsection as
4 the ‘Office’).

5 “(2) ASSOCIATE ADMINISTRATOR.—The Office
6 shall be administered by an Associate Administrator
7 appointed under section 4(b)(1).

8 “(3) RESPONSIBILITIES.—The Office shall have
9 the following responsibilities:

10 “(A) Developing and implementing tools
11 and strategies to increase Native American en-
12 trepreneurship.

13 “(B) Expanding the access of Native
14 American entrepreneurs to business training, fi-
15 nancing, and Federal small business contracts.

16 “(C) Expanding outreach to Native Amer-
17 ican communities and marketing entrepre-
18 neurial development services to such commu-
19 nities.

20 “(D) Representing the Administration with
21 respect to Native American economic develop-
22 ment matters.

23 “(4) COORDINATION AND OVERSIGHT FUNC-
24 TION.—The Office shall provide oversight with re-
25 spect to and assist the implementation of all Admin-

1 istration initiatives relating to Native American en-
2 trepreneurial development.

3 “(5) AUTHORIZATION OF APPROPRIATIONS.—

4 To carry out this subsection, there is authorized to
5 be appropriated to the Administrator \$2,000,000 for
6 each of fiscal years 2010 and 2011.

7 “(b) TRIBAL BUSINESS INFORMATION CENTERS
8 PROGRAM.—

9 “(1) ESTABLISHMENT.—The Administrator is
10 authorized to operate, alone or in coordination with
11 other Federal departments and agencies, a Tribal
12 Business Information Centers program that provides
13 Native American populations with business training
14 and entrepreneurial development assistance.

15 “(2) DESIGNATION OF CENTERS.—The Admin-
16 istrator shall designate entities as centers under the
17 Tribal Business Information Centers program.

18 “(3) ADMINISTRATION SUPPORT.—The Admin-
19 istrator may contribute agency personnel and re-
20 sources to the centers designated under paragraph
21 (2) to carry out this subsection.

22 “(4) GRANT PROGRAM.—The Administrator is
23 authorized to make grants of not more than
24 \$300,000 to centers designated under paragraph (2)

1 for the purpose of providing Native Americans the
2 following:

3 “(A) Business workshops.

4 “(B) Individualized business counseling.

5 “(C) Entrepreneurial development train-
6 ing.

7 “(D) Access to computer technology and
8 other resources to start or expand a business.

9 “(5) REGULATIONS.—The Administrator shall
10 by regulation establish a process for designating cen-
11 ters under paragraph (2) and making the grants au-
12 thorized under paragraph (4).

13 “(6) DEFINITION OF ADMINISTRATOR.—In this
14 subsection, the term ‘Administrator’ means the Ad-
15 ministrator, acting through the Associate Adminis-
16 trator administering the Office of Native American
17 Affairs.

18 “(7) AUTHORIZATION OF APPROPRIATIONS.—
19 To carry out this subsection, there is authorized to
20 be appropriated to the Administrator \$15,000,000
21 for fiscal year 2010 and \$17,000,000 for fiscal year
22 2011.

23 “(c) DEFINITION OF NATIVE AMERICAN.—The term
24 ‘Native American’ means an Indian tribe member, Alaska

1 Native, or Native Hawaiian as such are defined in section
 2 21(a)(8) of this Act.”.

3 **SEC. 3. SMALL BUSINESS DEVELOPMENT CENTER ASSIST-**
 4 **ANCE TO INDIAN TRIBE MEMBERS, ALASKA**
 5 **NATIVES, AND NATIVE HAWAIIANS.**

6 (a) IN GENERAL.—Section 21(a) of the Small Busi-
 7 ness Act (15 U.S.C. 648(a)) is amended by adding at the
 8 end the following:

9 “(8) ADDITIONAL GRANT TO ASSIST INDIAN
 10 TRIBE MEMBERS, ALASKA NATIVES, AND NATIVE HA-
 11 WAIANS.—

12 “(A) IN GENERAL.—Any applicant in an
 13 eligible State that is funded by the Administra-
 14 tion as a Small Business Development Center
 15 may apply for an additional grant to be used
 16 solely to provide services described in subsection
 17 (c)(3) to assist with outreach, development, and
 18 enhancement on Indian lands of small business
 19 startups and expansions owned by Indian tribe
 20 members, Alaska Natives, and Native Hawai-
 21 ians.

22 “(B) ELIGIBLE STATES.—For purposes of
 23 subparagraph (A), an eligible State is a State
 24 that has a combined population of Indian tribe
 25 members, Alaska Natives, and Native Hawai-

1 ians that comprises at least 1 percent of the
2 State’s total population, as shown by the latest
3 available census.

4 “(C) GRANT APPLICATIONS.—An applicant
5 for a grant under subparagraph (A) shall sub-
6 mit to the Administration an application that is
7 in such form as the Administration may re-
8 quire. The application shall include information
9 regarding the applicant’s goals and objectives
10 for the services to be provided using the grant,
11 including—

12 “(i) the capability of the applicant to
13 provide training and services to a rep-
14 resentative number of Indian tribe mem-
15 bers, Alaska Natives, and Native Hawai-
16 ians;

17 “(ii) the location of the Small Busi-
18 ness Development Center site proposed by
19 the applicant;

20 “(iii) the required amount of grant
21 funding needed by the applicant to imple-
22 ment the program; and

23 “(iv) the extent to which the applicant
24 has consulted with local tribal councils.

“(D) APPLICABILITY OF GRANT REQUIREMENTS.—An applicant for a grant under subparagraph (A) shall comply with all of the requirements of this section, except that the matching funds requirements under paragraph (4)(A) shall not apply.

“(E) MAXIMUM AMOUNT OF GRANTS.—No applicant may receive more than \$300,000 in grants under this paragraph for any fiscal year.

“(F) REGULATIONS.—After providing notice and an opportunity for comment and after consulting with the Association recognized by the Administration pursuant to paragraph (3)(A) (but not later than 180 days after the date of enactment of this paragraph), the Administration shall issue final regulations to carry out this paragraph, including regulations that establish—

“(i) standards relating to educational, technical, and support services to be provided by Small Business Development Centers receiving assistance under this paragraph; and

“(ii) standards relating to any work plan that the Administration may require a

1 Small Business Development Center receiv-
2 ing assistance under this paragraph to de-
3 velop.

4 “(G) ADVICE OF LOCAL TRIBAL ORGANIZA-
5 TIONS.—A Small Business Development Center
6 receiving a grant under this paragraph shall re-
7 quest the advice of a tribal organization on how
8 best to provide assistance to Indian tribe mem-
9 bers, Alaska Natives, and Native Hawaiians
10 and where to locate satellite centers to provide
11 such assistance.

12 “(H) DEFINITIONS.—In this paragraph,
13 the following definitions apply:

14 “(i) INDIAN LANDS.—The term ‘In-
15 dian lands’ has the meaning given the term
16 ‘Indian country’ in section 1151 of title 18,
17 United States Code, the meaning given the
18 term ‘Indian reservation’ in section 151.2
19 of title 25, Code of Federal Regulations
20 (as in effect on the date of enactment of
21 this paragraph), and the meaning given
22 the term ‘reservation’ in section 4 of the
23 Indian Child Welfare Act of 1978 (25
24 U.S.C. 1903).

1 “(ii) INDIAN TRIBE.—The term ‘In-
2 dian tribe’ means any band, nation, or or-
3 ganized group or community of Indians lo-
4 cated in the contiguous United States, and
5 the Metlakatla Indian Community, whose
6 members are recognized as eligible for the
7 services provided to Indians by the Sec-
8 retary of the Interior because of their sta-
9 tus as Indians.

10 “(iii) INDIAN TRIBE MEMBER.—The
11 term ‘Indian tribe member’ means a mem-
12 ber of an Indian tribe (other than an Alas-
13 ka Native).

14 “(iv) ALASKA NATIVE.—The term
15 ‘Alaska Native’ has the meaning given the
16 term ‘Native’ in section 3(b) of the Alaska
17 Native Claims Settlement Act (43 U.S.C.
18 1602(b)).

19 “(v) NATIVE HAWAIIAN.—The term
20 ‘Native Hawaiian’ means any individual
21 who is—

22 “(I) a citizen of the United
23 States; and

24 “(II) a descendant of the aborigi-
25 nal people, who prior to 1778, occu-

1 pied and exercised sovereignty in the
2 area that now constitutes the State of
3 Hawaii.

4 “(vi) TRIBAL ORGANIZATION.—The
5 term ‘tribal organization’ has the meaning
6 given that term in section 4(l) of the In-
7 dian Self-Determination and Education
8 Assistance Act (25 U.S.C. 450b(l)).

9 “(I) AUTHORIZATION OF APPROPRIA-
10 TIONS.—There is authorized to be appropriated
11 to carry out this paragraph \$7,000,000 for each
12 of fiscal years 2010 and 2011.

13 “(J) FUNDING LIMITATIONS.—

14 “(i) NONAPPLICABILITY OF CERTAIN
15 LIMITATIONS.—Funding under this para-
16 graph shall be in addition to the dollar
17 program limitations specified in paragraph
18 (4).

19 “(ii) LIMITATION ON USE OF
20 FUNDS.—The Administration may carry
21 out this paragraph only with amounts ap-

1 appropriated in advance specifically to carry
2 out this paragraph.”.

Passed the House of Representatives November 19,
2009.

Attest: LORRAINE C. MILLER,
Clerk.